

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-359-D

ERIC M. McMILLIAN, and)
LINDA C. LIVERMAN,)
)
Plaintiffs,)
)
v.) **ORDER**
)
YORK INSURANCE CO.,)
)
Defendant.)

On September 29, 2010, Magistrate Webb issued a Memorandum and Recommendation (“M&R”). In that M&R, Judge Webb recommended that plaintiffs’ application to proceed in forma pauperis be granted and that complaint be dismissed as frivolous. No party filed objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis removed) (quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Plaintiffs’ application to proceed in forma pauperis is GRANTED, and plaintiffs’ complaint is DISMISSED as frivolous. The Clerk is directed to close the case.

SO ORDERED. This 2 day of November 2010.

JAMES C. Dever
JAMES C. DEVER III
United States District Judge